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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/758,815	01/11/2001	William Marsh	052011-1020	9242

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EXAMINER

CRAVER, CHARLES R

ART UNIT	PAPER NUMBER
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2682

DATE MAILED: 07/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/758,815

**Applicant(s)**

MARSH ET AL.

**Examiner**

Charles R Craver

**Art Unit**

2682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 April 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-46 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 January 2001 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>8, 10</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheslog in view of Hardy, EP 0 541 535.

**Claim 1:** Cheslog discloses a method comprising  
receiving billing information associated with a subscriber of a telecommunication service under a given plan (col 1 line 66-col 2 line 3, lines 10-17 and 36-38),  
processing the information to produce organized data, inherently in a format (col 2 lines 42-65),  
analyzing the data in relation to a plurality of other plans and providers (col 4 lines 34-52),  
determining at least one proposed plan which would save the user money (col 5 lines 2-13), and  
producing a report of the proposed plan to enable selection of the best plan for the user (col 3 lines 28-37).

Cheslog fails to disclose that the call profile format includes where, when and what type of calls are made.

Hardy discloses the utility of processing telecommunications calls by the time, type and location of calls (col 9 line 52-col 11 liner 11) in order to allow a user to determine the overall cost of their service, which allows a user to decide if their service is right for them. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to add such a feature to Cheslog, as such parameters were a standard means for determining communications billing costs for a user, and would also provide enough data to the user to make an informed decision. **Claims 2, 5:** home (i.e. home zip code) and roam data are used to determine communications costs, and as such would be an obvious part of the location cost. **Claims 6 and 7:** Hardy discloses time of day and peak/off-peak. **Claims 8 and 9:** peak hours are inherently defined as during the week between peak start and end times, and off-peak are defined as the rest. **Claims 10-12:** weekend days are inherently defined as being after a weekend start period. **Claims 13 and 14:** local, toll and interstate toll categories would have been obvious given that such are listed on a typical cellular telephone bill. **Claims 15-21 and 3 and 4:** The decision to categorize a call as a local or toll call, or a home or roam call based on an incoming city, destination number, LATA, or lack thereof in a record would have been a routine engineering decision based on the type of system in use and its interface with the PSTN, as well as the billing organization's preferences in billing users.

**Claim 22:** Cheslog discloses that the step of analyzing the data includes evaluating subscriber records and other calling plans to determine if the current plan is cost effective (col 4 line 43-col 5 line 13).

Art Unit: 2682

**Claims 23 and 29-31:** claims 23 and 29-31 recite the inherent physical manifestation of method claim 1, and as such is rejected for the same reasons set forth above. The communicative coupling is taught by Cheslog in FIG 1, while the logic and processing is inherent in the system, given Hardy's teachings. **Claims 24-28, 32-36, 37-41, 42-46:** please see the rejection of claims 2, 6, 8, 9 and 22 above.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-46 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**Or faxed to:**

(703) 872-9314 for both formal and informal/draft communications, labeled as such.

Hand delivered responses should be brought to Crystal Park II, 2121

Crystal Drive, Arlington VA, sixth floor (receptionist).

Any inquiry concerning this or earlier communications from the examiner should be directed to examiner Charles Craver at (703) 305-3965.

Application/Control Number: 09/758,815

Page 5

Art Unit: 2682

If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Vivian Chin, can be reached at (703) 308-6739.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist at (703) 305-4700.

CC

C.Craver

July 12, 2004

  
CHARLES CRAVER  
PATENT EXAMINER